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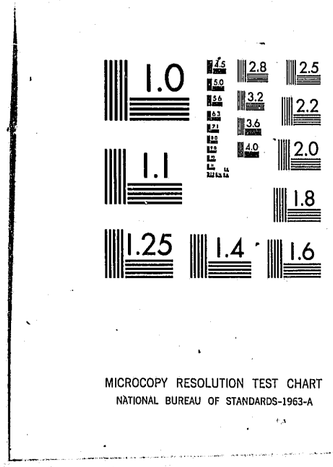

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SUFFOLK PROBATION'S PRE-TRIAL SERVICES PROGRAM

February, 1980

Pre-Trial Services - 1980

Report #3

11509

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MAY 1 1981

ACQUISITIONS

I. INTRODUCTION

This report is the third in a series of reports on the Suffolk County Probation Department Pre-Trial Services. The purpose of this phase of study of the area of pre-trial services is to present the first part of a comprehensive analysis of the population receiving Release-On-Recognizance (ROR) services and the risk assessment instrument used in making ROR recommendations.

The first report issued in June, 1979, entitled Suffolk Probation's "Release-On-Recognizance" and Legal Aid Eligibility Services: An Operational Analysis outlined the objectives, historical development, operational procedures, risk assessment instrument, program effectiveness and cost benefits of the existing system. The second report, issued in August, 1979, entitled Suffolk Probation's 1979 Pre-Trial Services Program: Analysis and Recommendations, provided an analysis of the sub-group given "automatic exclusion" treatment and the sub-group that failed to return to court. Specific recommendations were made for the modification of the "automatic exclusion" criteria, the expansion of the verified ROR report services on jail cases and the development of limited advocacy services in jail cases.

The original objectives for this third phase of study were:

1) a statistical re-validation of the ROR risk assessment instrument; and

2) a comprehensive examination of the characteristics and return rates of the "good risk" and "poor risk" sub-groups of the population receiving ROR treatment, for the purpose of

   a) identifying those characteristics which are associated with appearance in court and failure-to-appear; and

   b) refining the criteria used in determining "good risk" and "poor risk" assessments.

Operational considerations, outlined in the following section led to the alteration of the research strategy. The statistical validation of the risk assessment instrument has been deferred until new guidelines are implemented allowing for a more precise use of the risk assessment scale. The development of these guidelines is described in Section I. Descriptive analyses of two of the major sub-groups of the ROR population, the "poor risk" defendants released on recognizance and the "good risk" defendants who were released on recognizance and failed to appear in court, are presented in Sections III and IV.

Those areas of research not conducted as part of this report, which should be performed as part of a thorough evaluation of the ROR process are outlined in Section IV. Section V contains the Summary and Conclusions.

II. VALIDATION OF THE RISK ASSESSMENT INSTRUMENT

The risk assessment instrument used by the Suffolk County Probation Department in making ROR recommendations (Appendix I) was adapted from the rating scale developed by the VERA Institute in conjunction with the Manhattan Bail Reform Project in the early 1960's. The instrument has not recently been validated in terms of its ability to predict appearance in court and failure to appear by Suffolk County defendants. A major objective of this phase of evaluation of the Suffolk County ROR program was the statistical validation of the risk assessment instrument.

In the course of preparation for the statistical validation, a review was made of a randomly selected sample of interview forms completed by the Probation Investigators during the ROR interviews and the corresponding rating sheets on which the defendant's points were calculated. This review indicated two problems which led to the decision to defer the statistical validation. The first problem indicated in the review was a need for improved definitions of terms used in the risk assessment instrument. The current definitions frequently required the Probation Investigators to use independent judgment in determining whether a defendant's particular family, residence or work situation met the criteria of the rating scale. The need to make individual decisions in a significant number of cases lowers the reliability of the scoring instrument and limits the validity of a statistical analysis of that instrument.

The second problem found in the review was a weakness in the information available to the Probation Investigators on the prior record of the defendant. Each day prior to the beginning of the arraignment process, Probation Investigators from the ROR unit go to the Police liaison office to check the Police records on the defendants appearing that day. Two sources are checked: the SOUNDEX computerized records of arrests and court action taken in Suffolk County and the NYSIS (New York State Identification System) computerized records showing out-of-county arrests and convictions. Copies of the Suffolk County SOUNDEX "Arrest Record" reports are provided to the Probation Investigators in the First District Court detention area where the ROR interviews take place. The difficulty with the information provided is that in many cases prior charges were shown to have "no disposition" on the Police SOUNDEX reports. Frequently, these charges dated back several years. There is no way for the Probation Investigator making out the ROR report to verify whether the charges were still pending or whether court action has been taken and has not been entered. Again, the Probation Investigators had to use their judgment in scoring individual situations where the prior record was unclear. The magnitude of this problem is indicated in the following sections which point out that for 25.9% of the "Poor Risk" sample and 29.4% of the "Good Risk" sample, the prior record was scored as "not verified".

In view of these problems, it was determined that more specific guidelines should be developed for the scoring of ROR interviews prior to conducting a statistical validation of the risk assessment rating scale.

The "Guidelines for the Scoring of ROR Interviews on the Risk Assessment Rating Sheet" (Appendix II) was developed in conjunction with the Supervising Probation Officer of the ROR Unit. Input on the Guidelines was received from the Probation Investigators conducting the ROR interviews as well as the Principal Probation Officer with administrative responsibility for the unit. The Guidelines do not attempt to cover every conceivable set of circumstances which may be presented in an ROR interview. They do cover the areas in which questions arise most frequently. Particular emphasis was given to the area of prior record for cases in which information concerning convictions was unclear.

A three-month follow-up study is to be conducted on the effects of the expanded ROR criteria and expanded use of verified reports on jail cases which are being implemented as recommended in Report #2. The use of the Guidelines developed as part of this report should provide greater standardization in the scoring of ROR interviews during the three-month period. A statistical validation of the risk assessment instrument can then be undertaken at the same time as the three-month follow-up study.

III. IN-DEPTH ANALYSIS OF "POOR RISK" DEFENDANTS RELEASED ON RECOGNIZANCE

In Report #1 on Suffolk Probation's "Release-On-Recognizance" and Legal Aid Eligibility Services, it was found that 212 defendants who were determined to be "Poor Risks" on the basis of the scoring system used by the Probation ROR Unit were released on their own recognizance in 1978 by the court. Of those released, 179 or 84.4% appeared at the scheduled court date. The appearance rate for this population was not substantially lower than that for the defendants released on recognizance who were determined to be "Good Risks" - 87.9%.

An in-depth analysis of the "Poor Risk" population receiving ROR treatment was undertaken to determine the characteristics of the population. The purpose of the analysis was to identify those factors, if any, which might predict that the defendant would return to court as scheduled, in spite of a low total score on the ROR rating instrument. The "Poor Risk" defendants who appeared as scheduled after receiving ROR treatment would be compared with those who failed to appear to establish whether there were any characteristics which distinguished the two groups. This information could be used to modify the scoring system to achieve higher predictability in identifying which defendants were most likely to return to court as scheduled.

Data Collection

The records of the Probation Department ROR Unit were used to select all defendants who were determined to be "Poor Risks" on the basis of the rating system, but who were released on their own recognizance between July 1, 1979 and November 15, 1979. 90 defendants fell into this category. The ROR Unit had received information from the court on 43 of those defendants as to their appearance or failure to appear on the scheduled court date. The records of the District Court were checked on an additional 24 Criminal Court cases to determine disposition. The court records were missing or not available on 9 of the 24 additional cases.

This resulted in a total sample of 58 "Poor Risk" cases in which appearance data was available.

The interview forms of the ROR Unit were reviewed on the 58 cases to collect information on the total score received and the scores on the five individual areas of Residence, Family Ties, Employment/School, Prior Record and Discretionary Points. In addition, information was collected on variables used in ROR programs in other jurisdictions or of demographic interest, including Age, Category of Current Charge, Marital Status, Children, Long-Term Residence, Home Ownership, Warrants Issued and whether the defendant was a Homemaker with Children. The findings are summarized in the following section.

Summary of Findings on "Poor Risk" Sample

Of the 58 defendants classified as "Poor Risks" and released on their own recognizance, 47 or 81.0% appeared in court as scheduled and 11 or 19.0% failed to appear. The characteristics of both groups are presented in the following Table No. I. This is a somewhat lower appearance rate than found for the total "Poor Risk" population released on recognizance in 1978.

1. Scores of the Two Groups

The group which appeared as scheduled and that which failed to appear do not differ significantly on the variables of Total Score, Residence, Family Ties and Employment/School. (A copy of the rating sheet is included explaining the point categories.) The "Poor Risks" who appeared as scheduled scored somewhat lower as a group in the areas of Total Score and Employment/School than those who failed to appear. It is significant that only 6 or 12.8% of the "Poor Risks" who appeared as scheduled had held their current employment four months or more. 38.3% of this population were unemployed and were not receiving government assistance or unemployment insurance. The Failed-to-Appear group scored somewhat lower on Residence and Family Ties.

2. Prior Record

In studies nationwide, the prior record of defendants has been found to be statistically significant in predicting appearance in court.[1] The information collected on the "Poor Risk" group showed that the prior record was not verified in 21.3% of the cases of defendants who appeared and 45.5% of those who failed to appear. The record could not be verified either because the arrest record on the defendant was not available or, in the majority of cases, the disposition of the charges listed on the arrest record was unknown. This shows a serious weakness in the information available to the Probation Investigators performing ROR interviews.

1 Kirby, Michael, "Recent Research Findings in Pretrial Release", Pretrial Services Resource Center, September, 1977; p. 7.

3. Category of Current Charge

A significantly higher percentage of "Poor Risk" defendants who appeared as scheduled were charged with felony offenses, as opposed to misdemeanors or violations. 48.9% of the "Poor Risks" who appeared were charged with felonies, as opposed to 27.3% of those who failed to appear. There seems to be a negative correlation between the seriousness of the charge and whether the defendant appeared as scheduled.

4. Demographic Factors

There is very little difference between the two groups on the demographic variables of Age, Marital Status, Children and Home Ownership.

5. Long-Term Residency

Many other jurisdictions with ROR programs allow the defendant extra points for having lived in the jurisdiction for 5 or 10 years or more. 81.8% of the FTA group had lived in either Nassau or Suffolk County for 5 years or more, and 72.7% had lived in the area for 10 years or more. This is a higher percentage of long-term residents than in the group that appeared as scheduled. This variable appears to have little value in predicting failure to appear.

6. Warrants Issued on Current or Prior Charge

There is a significant difference between the two groups on the factor of warrants issued on the current or prior charges. 45.5% of the FTA group had warrants issued for previous failures to appear in court, as opposed to 29.8% of the group which appeared as scheduled. This factor is also important in the group of "Good Risks" who failed to appear, which is analyzed in the following section.

7. Eligibility for Legal Aid

The ROR Unit also performs interviews to determine if defendants are eligible for Legal Aid. There appears to be a relationship between eligibility and assignment of Legal Aid and appearance in court. 44.7% of the "Poor Risks" who appeared as scheduled were eligible for Legal Aid, as opposed to 18.2% of those who failed to appear.

The Legal Aid office was contacted to determine the reasons for the apparent impact of Legal Aid on appearance in court. Defendants for whom Legal Aid is assigned are interviewed as soon as possible following arraignment by an investigator or attorney from Legal Aid. In the interview, the investigator takes down the facts of the case, names of witnesses and other relevant information. The defendant receives a slip of paper with the return date. In most cases, no other contact is made with the defendant by Legal Aid prior to the return date.

No written notification of the return date is provided to the defendant by the court. The defendant is advised orally of the return date by the Judge. Consequently, the fact that defendants are interviewed by Legal Aid, told again of the return date and provided with a written reminder may have an impact on appearance.

APPENDIX A

R O R BRANCH
RATING SHEET

RE: _____

To be considered, defendant needs:

1. A Suffolk-Nassau address where he can be reached,
AND
2. A total of five points from the following categories:

Int	Ver	
		I. RESIDENCE (In Suffolk-Nassau area steadily)
3	3	One year at present residence.
2	2	One year at present and last prior residence OR 6 months at present residence.
1	1	Six months at present and last prior residence OR in Suffolk-Nassau 5 years or more.
0	0	Not verified.
		II. FAMILY TIES (In Suffolk-Nassau area)
3	3	Lives in established family home AND visits other family members. (Immediate family only.)
2	2	Lives in established family home.
1	1	Visits other of immediate family.
0	0	Not verified.
		III. EMPLOYMENT OR SCHOOL
3	3	Present job one year or more, steadily.
2	2	Present job 4 months OR present and prior 6 months.
1	1	Has present job which is still available, OR unemployed 3 months or less and 9 months or more steady prior job, OR Unemployment Compensation, OR Public Assistance.
3	3	Presently in school, attending regularly.
2	2	Out of school less than 6 months but employed or in training.
1	1	Out of school 3 months or less, unemployed and not in training.
0	0	Not verified.
		IV. PRIOR RECORD
2	2	No convictions.
0	0	One misdemeanor conviction or Y.O. adjudication.
-1	-1	Two misdemeanor or one felony conviction.
-2	-2	Three or more misdemeanor or two or more felony convictions.
0	0	Not verified.
		V. DISCRETION
+1	+1	Positive, over 65, attending hospital, appeared on some previous case.
-1	-1	Negative, intoxicated, intention to leave jurisdiction.

TABLE I: CHARACTERISTICS OF 58 "POOR RISK" DEFENDANTS INTERVIEWED BETWEEN JULY 1, 1979 AND NOVEMBER 15, 1979

Variable	Appeared As Scheduled (47) #	%	FTA (11) #	%
1. Total Score				
4	25	53.2	7	63.6
3	15	31.9	2	18.2
2	7	14.9	2	18.2
1				
2. Residence Score				
3	16	34.0	2	18.2
2	18	38.3	6	54.5
1	11	23.4	3	27.3
0	2	4.3		
3. Family Ties Score				
3	10	21.3	2	18.2
2	10	21.3	3	27.3
1	18	38.3	3	27.3
0	9	19.1	3	27.3
4. Employment/School Score				
3	1	2.1	1	9.1
2	5	10.6	2	18.2
1	23	48.9	6	54.5
0	18	38.3	2	18.2
5. Prior Record Score				
2	4	8.5	0	0.0
0 Not Verified	10	21.3	5	45.5
0 1 Misdemeanor	8	17.0	1	9.1
-1	10	21.3	2	18.2
-2	15	31.9	3	27.3
6. Discretionary Points				
+1	0	0.0	0	0.0
0	38	80.9	8	72.7
-1	9	19.1	3	27.3
7. Current Charge Category				
Felony	23	48.9	3	27.3
Misdemeanor	18	38.3	4	36.4
Violation	4	8.5	4	36.4
V & T - unspecified	2	4.3	0	0.0

Variable	Appeared As Scheduled (47) #	%	FTA (11) #	%
8. Marital Status				
Single	28	59.6	6	54.5
Married	6	12.8	0	0.0
Divorced	3	6.4	2	18.2
Separated	9	19.1	3	27.3
Widowed	1	2.1	0	0.0
9. Children				
Yes	25	53.2	6	54.5
No	22	46.8	5	45.5
10. Long-Term Resident				
Yes, 5-9 years	11	23.4	1	9.1
Yes, 10+ years	26	55.3	8	72.7
No	10	21.3	2	18.2
11. Owns Home				
Yes	0	0.0	0	0.0
No	46	97.9	11	100.0
Unknown	1	2.1	0	0.0
12. Homemaker With Children				
Not Applicable	39	83.0	9	81.8
Yes	2	4.3	1	9.1
Yes, elementary school age	0	0.0	0	0.0
No	6	12.8	1	9.1
13. Warrant Issued on Current or Prior Charge				
Yes	14	29.8	5	45.5
No	23	48.9	4	36.4
Unknown	10	21.3	2	18.2
14. Legal Aid Eligibility				
Eligible	21	44.7	2	18.2
Ineligible	3	6.4	1	9.1
Doesn't Want L.A.	17	36.2	7	63.6
Parental	6	12.8	1	9.1
Interview Pending				

Variable	Appeared As Scheduled (47) #	%	FTA (11) #	%
15. Age				
Under 20	10	21.3	1	9.1
20 - 24	15	31.9	4	36.4
25 - 29	9	19.1	4	36.4
30 - 34	6	12.8	0	0.0
35 - 39	1	2.1	1	9.1
40 - 44	1	2.1	0	0.0
45 - 49	2	4.3	0	0.0
50 - 54	2	4.3	1	9.1
55 - 59	1	2.1	0	0.0
Average	27.1		27.5	
16. Voluntary Return to Court Following FTA				
Returned to Court	Not Applicable		3	27.3
Warrant Executed	"	"	1	9.1
Warrant Outstanding	"	"	7	63.6

IV. IN-DEPTH ANALYSIS OF "GOOD RISK" DEFENDANTS RELEASED ON RECOGNIZANCE WHO FAILED TO APPEAR AT SCHEDULED COURT DATES

In 1978, 524 defendants who were determined to be "Good Risks" on the basis of the rating system used by the ROR Unit were released on their own recognizance and failed to appear on the scheduled court date. These defendants constituted 12.1% of all "Good Risks" receiving ROR treatment by the court. This represents an increase in the failure-to-appear rate of "Good Risk" defendants over previous years.

An in-depth analysis of the population of "Good Risk" defendants who failed to appear was undertaken to determine if there were distinctive characteristics of this group not reflected in their total score on the ROR rating instrument.

Data Collection

The ROR Unit maintains records of those defendants who appear or failed to appear on scheduled court dates. The information is provided by the court and is not complete for all defendants. The ROR records were used to identify all those defendants for whom appearance information was available, who were determined to be "Good Risks" and who failed to appear at scheduled court dates between October 1, 1979 and December 20, 1979. 71 cases were identified in this category. In two cases, the ROR interview forms were not in the files; and in one case, the same defendant failed to appear on two separate cases, leaving a sample of 68 defendants.

The interview forms on the 68 defendants were reviewed for the same variables used in the analysis of the "Poor Risk" population, including total score, the scores on individual items in the rating instrument, demographic characteristics and variables used in other ROR programs. The findings are summarized in the following section.

Summary of Findings on the "Good Risk" Failure-to-Appear Sample

1. Total Number of Points

   The majority of defendants who qualify as "Good Risks" on the basis of the scoring system and who fail to appear do not fall into a borderline category of receiving 5 or 6 points. 47 of these defendants or 69.1% received 7 points or more on the rating system used by the ROR Unit. The average score of the 68 defendants was 7.3.

2. Residence and Family Ties

   The Residence and Family Ties items in the scoring system do not appear to be predictive of failure to appear in court as scheduled. 77.9% of the "Good Risks" who failed to appear have lived at their current address for one year or more, and 86.8% live in an established family home.

3. Employment/School

The fact that 16.2% of this sample were unemployed and an additional 26.5% had held their current job for less than 4 months may be significant when combined with other factors. However, it should be noted that 87.2% of the "Poor Risks" who appeared as scheduled were either unemployed or had held their current employment for less than four months. Additional research would be necessary to determine the significance of this variable.

4. Prior Record

As in the case of the "Poor Risk" sample, there was a high number of cases, 29.4%, in which the number of prior convictions could not be verified. This was due to the absence of an arrest record or to the fact that no dispositions were recorded on prior charges. This lack of information creates a weakness in the scoring mechanism in what has been found to be a significant area.

5. Category of Current Charge

67.6% of the "Good Risk" defendants who failed to appear were charged with misdemeanors or violations. 32.4% were charged with felonies. This corresponds to the findings in the "Poor Risk" sample. The seriousness of the charge does not appear to predict failure to appear. In fact, the opposite may be the case.

6. Long Term Residence

88.2% of the "Good Risks" who failed to appear have lived in either Suffolk or Nassau County for 5 years or more and 79.4% have lived in the area for 10 years or more. The failure-to-appear rate cannot be attributed to a transient group of the population.

7. Warrant Issued on Current or Prior Charge

41.2% of this sample had warrants issued on the current or prior charges for failure to appear in court. This may be a factor to be considered for inclusion in any modification to the rating system.

8. Legal Aid Eligibility

Only 3 of the defendants in the sample, 4.4%, were eligible for Legal Aid on the basis of the initial interview. 77.9% either did not want Legal Aid or were found to be ineligible. In 17.6% of the cases, a juvenile was involved and a parental interview would have to be held to determine eligibility. Such interviews are held following arraignment or on subsequent dates. This is another indication that the contact made by Legal Aid with the defendant may have an impact on the likelihood of appearance.

9. Demographic Characteristics

The defendants in this sample of "Good Risks" who failed to appear in court were generally younger than those in the sample of "Poor Risks". The average age of the "Good Risks" was 25.8 as compared with 27.1 for the "Poor Risks" who appeared as scheduled and 27.5 for the "Poor Risk" FTA cases. There was also a higher percentage of "Good Risk" FTA's below the age of 20 - 39.7%, as compared to 21.3% of the "Poor Risks" who appeared as scheduled.

This sample had a lower percentage of defendants with children and a lower percentage of divorced and separated defendants than the "Poor Risk" sample. This is consistent with the generally lower age of the defendants in the "Good Risk" - FTA sample.

10. Voluntary Return to Court

The District Court records were checked on the 57 Criminal Court cases included in this sample to determine how many of the defendants voluntarily returned to court prior to the execution of a warrant. In 20 of the cases (35.1%), the defendant voluntarily returned to court and the warrant was withdrawn. In Report #2 on "Suffolk Probation's 1979 Pre-trial Services Program", it was found that 45.2% of those defendants who failed to appear in court as scheduled between January and June, 1979 returned voluntarily to court at a later time. The lower percentage of voluntary returns in this sample may be attributed to the shorter follow-up period and the 12.3% of cases in which the court record was not available.

It should be noted, however, that 3 of the 20 defendants who returned to court voluntarily or 5.3% of the sample failed to appear again at subsequent court dates and warrants were again issued.

In 10.5% of the 57 cases, warrants were executed; and in 42.1% of the cases, the warrants were outstanding.

APPENDIX A

R O R BRANCH
RATING SHEET

RE: _____

To be considered, defendant needs:

1. A Suffolk-Nassau address where he can be reached,
AND
2. A total of five points from the following categories:

Int	Ver		
		I.	RESIDENCE (In Suffolk-Nassau area steadily)
3	3		One year at present residence.
2	2		One year at present and last prior residence OR 6 months at present residence.
1	1		Six months at present and last prior residence OR in Suffolk-Nassau 5 years or more.
0	0		Not verified.
		II.	FAMILY TIES (In Suffolk-Nassau area)
3	3		Lives in established family home AND visits other family members. (Immediate family only.)
2	2		Lives in established family home.
1	1		Visits other of immediate family.
0	0		Not verified.
		III.	EMPLOYMENT OR SCHOOL
3	3		Present job one year or more, steadily.
2	2		Present job 4 months OR present and prior 6 months.
1	1		Has present job which is still available, OR unemployed 3 months or less and 9 months or more steady prior job, OR Unemployment Compensation, OR Public Assistance.
3	3		Presently in school, attending regularly.
2	2		Out of school less than 6 months but employed or in training.
1	1		Out of school 3 months or less, unemployed and not in training.
0	0		Not verified.
		IV.	PRIOR RECORD
2	2		No convictions.
0	0		One misdemeanor conviction or Y.O. adjudication.
-1	-1		Two misdemeanor or one felony conviction.
-2	-2		Three or more misdemeanor or two or more felony convictions.
0	0		Not verified.
		V.	DISCRETION
+1	+1		Positive, over 65, attending hospital, appeared on some previous case.
-1	-1		Negative, intoxicated, intention to leave jurisdiction.

TABLE II: CHARACTERISTICS OF 68 "GOOD RISK" DEFENDANTS WHO FAILED TO APPEAR AT SCHEDULED COURT DATES FROM OCTOBER 1, 1979 THROUGH DECEMBER 20, 1979

Variable	#	%
1. Total Number of Points		
11	2	2.9
10	4	5.9
9	11	16.2
8	13	19.1
7	17	25.0
6	9	13.2
5	12	17.6
	Average 7.3	
2. Residence Score		
3	53	77.9
2	15	22.1
1	0	
0	0	
3. Family Ties Score		
3	29	42.6
2	30	44.1
1	4	5.9
0	5	7.4
4. Employment/School		
3	27	39.7
2	12	17.6
1	18	26.5
0	11	16.2
5. Prior Record		
2	30	44.1
0 Not Verified	20	29.4
0 1 Misdemeanor	6	8.8
-1	5	7.4
-2	7	10.3
6. Discretionary Points		
+1	2	2.9
0	57	83.8
-1	9	13.2

	Variable	#	%
7.	Current Charge Category		
	Felony	22	32.4
	Misdemeanor	39	57.4
	Violation	7	10.3
8.	Marital Status		
	Single	42	61.8
	Married	17	25.0
	Divorced	3	4.4
	Separated	4	5.9
	Widowed	2	2.9
9.	Children		
	Yes	28	41.2
	No	40	58.8
10.	Long Term Resident		
	Yes, 5-9 years	6	8.8
	Yes, 10+ years	54	79.4
	No	6	8.8
	Unknown	2	2.9
11.	Owns Home		
	Yes	5	7.4
	No	55	80.9
	Unknown	8	11.8
12.	Homemaker With Children		
	Not Applicable	58	85.3
	Yes	2	2.9
	Yes, elementary school age	2	2.9
	No	6	8.8
13.	Warrant Issued on Current or Prior Charge		
	Yes	28	41.2
	No	31	45.6
	Unknown	9	13.2
14.	Legal Aid Eligibility		
	Eligible	3	4.4
	Ineligible	13	19.1
	Doesn't Want L.A.	40	58.8
	Parental	12	17.6
	Interview Pending		

	Variable	#	%
15.	Age		
	Under 20	27	39.7
	20 - 24	13	19.1
	25 - 29	12	17.6
	30 - 34	5	7.4
	35 - 39	2	2.9
	40 - 44	3	4.4
	45 - 49	2	2.9
	50 - 54	3	4.4
	55 - 59	1	1.5
		Average: 25.8	
16.	Voluntary Return to Court (57 Criminal Court Cases)		
	*Returned to Court	20	35.1
	Warrant Executed	6	10.5
	Warrant Outstanding	24	42.1
	No Record	7	12.3

*3 subsequently failed-to-appear for later court dates.

V. AREAS FOR FURTHER RESEARCH

The following areas of research will be conducted as a part of a three-month follow-up study in order to complete this analysis of the Suffolk County pre-trial services system:

A. Evaluation of the Expanded ROR Eligibility Criteria

As recommended in Report #2, "Suffolk Probation's 1979 Pre-Trial Services Program: Analysis and Recommendations", eligibility for an ROR recommendation has been expanded to include residents of Queens and Brooklyn and those defendants previously excluded from the ROR interview process due to insufficient time in the area.

The three-month follow-up study will include an analysis of the impact of the expanded criteria in terms of the number of defendants served, the number of positive recommendations, the release rate and return rate of defendants released. From this information, we should be able to determine whether the expansion of ROR services is cost effective in providing for a greater use of ROR treatment by the courts without increasing the number of failures to appear.

B. Evaluation of Expanded Use of Verified ROR Reports on Jail Cases

Report #2 also recommended that verified ROR reports conducted on jail cases be expanded to include those defendants who were intoxicated or incoherent at the time of the first interview, refused the original interview or provided false identification. The three-month follow-up study will determine whether the verified ROR report services result in a greater use of ROR treatment for these cases and a consequent reduction of the number and duration of pre-trial detentions.

C. Statistical Validation of Risk Assessment Instrument

The risk assessment instrument will be validated on the basis of the more standardized data resulting from the guidelines for scoring ROR interviews developed in this study. In addition to testing the predictive ability of the instrument as a whole, the individual items on the rating scale and groups of items will be tested for their relationship to appearance in court. The validation study and the testing of other variables outlined below may point to necessary changes in the risk assessment rating system to improve its accuracy in predicting appearance in court.

D. Testing of Additional Variables

As illustrated in the descriptive analyses of the "Good Risk" and "Poor Risk" defendant populations, other variables not included in the risk assessment instrument - such as, issuance of prior warrants and the assignment of Legal Aid - may be related to the likelihood of appearance in court. Statistical testing of these variables can be performed at the same time as the validation study. Social considerations such as homemakers with children in the employment category can also be tested.

E. Evaluation of Advocacy Services in Jail Cases

The extent to which advocacy services are provided in jail cases and their effectiveness in facilitating release in appropriate situations will be examined. The impact and cost benefits of this component will be evaluated during this study.

F. Analysis of Cases Receiving Bail Treatment

The issue of bail and its impact on appearance in court has not been thoroughly examined in terms of the defendant population in Suffolk County. It would be useful to examine the characteristics of the defendant population receiving bail treatment as compared with the population receiving ROR treatment. The return-to-court rates of the two groups could then be analyzed to determine whether bail conditions do affect the defendant's behavior in returning to court. Such an analysis may indicate whether ROR treatment can be expanded to specific groups of defendants now ordered to post bail, without increasing the risk of non-appearance.

This area will be explored depending on research resources available.

VI. SUMMARY AND CONCLUSIONS

Most conclusions concerning the operation of the Suffolk County Release-On-Recognizance system are being deferred due to the on-going nature of the study. However, certain preliminary findings have been made, which are outlined below.

1. The operations of the ROR Unit would be greatly enhanced by being part of an integrated information system providing data on defendants on arrest through prosecution. The current system involving separate records for each component of the criminal justice system and manual recording of court action has resulted in incomplete information being available in the making of ROR recommendations. However, within the limits of the existing system, an improvement in the information available to the ROR Unit could be made by providing the unit with on-line access to the DCJS computerized records of arrests and convictions statewide (NYSIS). Means of improving the communication from the courts as to the appearance or failure to appear by defendants should also be explored.

2. The results of the analysis of the "Good Risk" and "Poor Risk" populations need to be confirmed through a full-scale statistical validation of the risk assessment instrument. However, preliminary findings raise questions as to the relationship to appearance in court of some of the variables widely used in making risk assessment determinations - particularly length of time in current residence and family ties. Other variables, such as the issuance of prior warrants and the assignment of Legal Aid do seem to be related to appearance in court, based on the preliminary data. These questions will be analyzed in detail in the follow-up report.

3. The information collected in this report, as well as Report #2 issued in August, 1979, demonstrate that there is a definite distinction in the group that failed to appear in court between those who voluntarily return to court at a later date and those defendants who flee the jurisdiction or otherwise deliberately attempt to avoid prosecution. Of the "Good Risk" FTA sample in this study, 35.1% voluntarily returned to court. Report #2 showed that 45.2% of the FTA group over a six month period returned to court on their own volition.

Consideration should be given to the development of alternative procedures to be taken on FTA cases prior to the execution of a warrant, such as written notification of a missed court date and/or telephone contact. Facilitating voluntary return to court may provide a means of reducing the cost of warrant arrests and detention and allow for a greater allocation of resources in cases where the defendant deliberately avoids court action or attempts to flee the jurisdiction.

APPENDIX A

R O R BRANCH
RATING SHEET

RE: _____

To be considered, defendant needs:

1. A Suffolk-Nassau address where he can be reached,
AND
2. A total of five points from the following categories:

Int	Ver	
		I. RESIDENCE (In Suffolk-Nassau area steadily)
3	3	One year at present residence.
2	2	One year at present and last prior residence OR 6 months at present residence.
1	1	Six months at present and last prior residence OR in Suffolk-Nassau 5 years or more.
0	0	Not verified.
		II. FAMILY TIES (In Suffolk-Nassau area)
3	3	Lives in established family home AND visits other family members. (Immediate family only.)
2	2	Lives in established family home.
1	1	Visits other of immediate family.
0	0	Not verified.
		III. EMPLOYMENT OR SCHOOL
3	3	Present job one year or more, steadily.
2	2	Present job 4 months OR present and prior 6 months.
1	1	Has present job which is still available, OR unemployed 3 months or less and 9 months or more steady prior job, OR Unemployment Compensation, OR Public Assistance.
3	3	Presently in school, attending regularly.
2	2	Out of school less than 6 months but employed or in training.
1	1	Out of school 3 months or less, unemployed and not in training.
0	0	Not verified.
		IV. PRIOR RECORD
2	2	No convictions.
0	0	One misdemeanor conviction or Y.O. adjudication.
-1	-1	Two misdemeanor or one felony conviction.
-2	-2	Three or more misdemeanor or two or more felony convictions.
0	0	Not verified.
		V. DISCRETION
+1	+1	Positive, over 65, attending hospital, appeared on some previous case.
-1	-1	Negative, intoxicated, intention to leave jurisdiction.

APPENDIX B

GUIDELINES FOR THE SCORING OF ROR
INTERVIEW ON THE RISK ASSESSMENT RATING SHEET

The following are general guidelines to be used in the scoring of ROR interviews on the risk assessment Rating Sheet. These guidelines do not cover every possible circumstance presented in an ROR interview and will not eliminate the need for the use of the interviewer's judgment. The guidelines should, however, be useful in the majority of cases and should resolve the most frequent questions which develop in using the Rating Sheet.

I. Residence

Note that there is a printing error on the second line. The defendant receives 2 points for: "One year at present and (not or) last prior residence OR 6 months at present residence."

II. Family Ties

A. Established family home is

1. A place of residence which is not temporary or transitory in nature.

AND

2. Is made up of individuals related by blood or marriage.

The following situations would constitute a "family home":

1. Subject living with parent(s), with or without other siblings.
2. Subject living with spouse (including common-law relationships of over 1 year in duration).
3. Subject living with child or children, including a single parent living with child or children.
4. Subject living with grandparent(s), aunt or uncle, or legal guardian on a permanent basis.
5. Subject living with brother or sister.

(Step-parent, step-brothers and sisters, step-children are to be considered on the same basis as blood relatives.)

B. Visiting Other Family Members - An individual living in an established family home is given an additional (third) point if he/she visits other members of the immediate family living in a separate location in Suffolk, Nassau, Queens or Kings Counties (geographic Long Island).

An additional (third) point is not given for maintaining contact with other family members (i.e. grandparents) living in the same place of residence as the subject. The rationale for this is that another relative living in the same residence as the subject does not represent a separate, additional tie to the community.

An individual living with one parent, who is separated or divorced, should not receive an additional point for visiting the other parent. This would provide an advantage to the individual whose parents are separated or divorced, over the individual whose parents both live with the subject.

C. Immediate Family - For the purposes of scoring, immediate family consists of spouse, parents, children, brothers/sisters and grandparents. (Step-parents, step-brothers and sisters and step-children are considered on the same basis as blood relatives.)

D. Verification of Family Contact - Statements that the subject visits other family members are accepted if the subject can provide either

1. the phone number of the family member

OR

2. the street and town where the family member lives.

III. Employment/School

A. Scoring of part-time employment.

1. Part-time employment in which the individual works a specific number of hours on a continuous basis should be counted in the same manner as full-time employment.

2. Part-time employment in which the individual works on a non-continuous or sporadic basis should not be counted in the same manner as full-time employment. An individual should receive 1 point for such employment, constituting a present job which is still available.

B. Seasonal Employment.

Certain jobs are seasonal due to the nature of the work, such as landscaping, construction and clamming.

1. If a defendant has been employed in such work for more than one season and expects to return to such work the following season, he/she can be considered as steadily employed, provided that the employment is for a minimum of 6 months a year.

2. If a defendant is currently working at a seasonal job for the first time, he/she should receive 1 or 2 points, depending on the length of time worked.

3. If a defendant has worked at a seasonal job only one season and is currently unemployed, he/she should be considered unemployed and can receive 1 point, if the criteria on the rating sheet are met (unemployment compensation, government assistance, or unemployed 3 months or less and 9 months on last prior job.)

C. Scoring of part-time school attendance.

1. If an individual is attending school on a part-time basis and is not employed, 2 points should be given.

2. If an individual is attending school on a part-time basis and is also employed, he/she should be given points either for employment or for school attendance, whichever is higher.

D. Scoring of a case of a homemaker with children.

Being a homemaker with children is not considered employment for the purposes of scoring the ROR interview at this time.

If the fact that the defendant is a homemaker with children is an important factor in a specific case, the defendant may be given +1 point in the "Discretion" category.

IV. Prior Record

A. Cases in which no "Arrest Record" sheet or information from the Police Department is present.

When there is no "Arrest Record" sheet on a case from the Police Department and no other information indicating prior convictions is available from the defendant or other sources, it should be assumed that the defendant has no prior convictions, and 2 points should be given.

B. Cases in which "Arrest Record" sheet shows prior arrests with no disposition.

1. Prior Charges not related to current arrest - In cases where the prior charges on the arrest record show no disposition and these charges are not related to the current arrest, 0 points should be given and the prior record should be considered not verified. (See Paragraph D for scoring of cases in which statements can be elicited from the defendants concerning convictions and/or sentences on these prior charges.)

2. Prior charges related to current arrest - If the only charges on the "Arrest Record" show no disposition and are related to the current arrest, 2 points should be given for no prior convictions. (An example would be if the defendant were arrested on a warrant

due to failure to appear in court on a prior Burglary charge, that charge being the only one showing on the "Arrest Record".)

C. Out-of-County convictions verified by NYSIS.

Convictions in other jurisdictions which are verified by NYSIS reports should be counted in determining prior record score.

D. Unverified statements by defendants concerning prior convictions.

Statements by a defendant that he/she has been convicted of prior offenses should be used in determining prior record score, even where not verified by information from the Police Department. (This is based on the assumption that an individual would not state that he/she has prior convictions when this was not correct.)

E. Unverified statements by the defendant concerning prior jail and prison terms.

1. A prior sentence to the Suffolk County Jail should be considered a Misdemeanor in the absence of specific information as to the conviction.
2. A prior sentence to state prison should be considered a Felony in the absence of specific information as to the conviction.

F. ACOD (Adjournment-in-Contemplation-Of-Dismissal) dispositions.

ACOD dispositions on a defendant's "Arrest Record" sheet should not be considered a conviction.

An ACOD disposition is legally an adjournment. If the defendant successfully completes the ACOD period, the charge is dismissed. If the defendant violates the ACOD conditions, he/she will be prosecuted on the original charge and any conviction which results from that prosecution will appear on the "Arrest Record" and would be counted.

G. Juvenile Delinquency Adjudications in Family Court should not be considered as convictions in determining prior record score. (Such adjudications will not show on the Police Department "Arrest Record", however, the defendant may indicate that he/she is or has been on probation for a JD offense.)

This does not apply to Criminal Court convictions of juveniles on charges which fall into the "Juvenile Offender" category (serious violent felony offenses). These charges and the disposition reached in Criminal Court will show on the Police Department "Arrest Record". Such convictions should be counted. If the "Juvenile Offender" case is transferred to Family Court, any action taken by Family Court will not show on the "Arrest Record" and will not be available for scoring purposes.

F. Combinations of Felony and Misdemeanor Convictions not specified on the Risk Assessment Rating Sheet.

1. A prior record of one Misdemeanor and one Felony should be given -1 point.
2. A prior record of two Misdemeanors and one Felony should be given -2 points.

V. Discretion

A. Warrant arrests.

If the current arrest is on a warrant for non-appearance in court or if the defendant's prior record shows a warrant arrest, the defendant should receive -1 point in the discretion category.

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